

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH AND GAME

Call to Order: By **CHAIRMAN MIKE SPRAGUE**, on February 6, 2003 at 3:00 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Mike Sprague, Chairman (R)
Sen. Dan McGee, Vice Chairman (R)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. Ken (Kim) Hansen (D)
Sen. Dale Mahlum (R)
Sen. Trudi Schmidt (D)
Sen. Debbie Shea (D)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jane Hayden, Committee Secretary
Mary Vandembosch, Legislative Branch
Rebecca Sattler, Transcription of Minutes

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 209, SB 287, 2/3/2003

Executive Action: None

HEARING ON SB 209

Sponsor: SEN. JON TESTER, SD 45, Big Sandy

Opening Statement by Sponsor:

SEN. TESTER read Page 2, Lines 18-22 of the bill, explaining that this bill requires the Department of Fish, Wildlife, & Parks (FWP) to publish an estimated annual game animal count. It will also explain how the Department came up with the counts. He said that there is no fiscal impact with this bill.

{Tape: 1, SB 209; Side: A; Approx. Time Counter: 0 - 2.2}

Proponents' Testimony:

Garrett Bacon, Prickly Pear Sportsmen Association, stated their support for the bill. He said that they want better numbers of game animals; they are vague as of now. He said that this will hold FWP accountable.

Mark Peck, Broadwater County resident, supports the bill and said that agriculture and hunting are critical to Montana. Right now, it is out of balance. He explained his concern over the poor management of elk herds, cattle, and habitat. He is also worried that special interest groups have a greater influence on FWP than ordinary citizens; this bill would give the opportunity to formalize the input. He stated that he would like the bill to include verbiage that requires input from local citizens and local government.

{Tape: 1, SB 209; Side: A; Approx. Time Counter: 2.2 - 14.2}

Elaine Mann, Broadwater County Commissioner, stated that this bill is important for landowners on the valley floor; they strongly support this bill.

John Bloomquist, Montana Stockgrowers' Association, said that accurate numbers are hard to get from FWP. This is at least more accountability required from the Department.

Opponents' Testimony:

Larry Copenhaver, Montana Wildlife Federation, agreed that there is some validity in the proponents' points. He said that the counts will be estimates only; hard data is not available. He explained that this bill has good intentions, but he reluctantly will oppose it.

{Tape: 1, SB 209; Side: A; Approx. Time Counter: 14.2 - 18.4}

Informational Testimony:

Chris Smith, Chief of Staff, Montana FWP, read his written informational testimony, and stated that FWP will do their best to comply, if this bill is approved.

EXHIBIT(fis26a01)

{Tape: 1, SB 209; Side: A; Approx. Time Counter: 18.4 - 20.5}

Questions from Committee Members and Responses:

SEN. BARKUS asked if FWP is currently taking counts to the best of their ability. **Chris Smith** stated that the Department doesn't need to know the size of the herds, just the long-term trends.

SEN. BARKUS inquired if this bill will change FWP's procedures. **Chris Smith** answered that this bill requires the Department to estimate the game, not change the way they gather information; there will be no statistical precision. One exception is that they have received \$1 million through U.S. Senator Burns to count grizzly bears; that will not be an estimate, but a count.

{Tape: 1, SB 209; Side: A; Approx. Time Counter: 20.5 - 24.8}

SEN. BALES wondered if there is an elk management plan. **Chris Smith** said that one was created in 1992, and is currently being revised. **SEN. BALES** and **Chris Smith** continued to discuss the elk plan and what has been done to count and manage the herds.

{Tape: 1, SB 208; Side: A; Approx. Time Counter: 24.9 - 28.8}

Closing by Sponsor:

SEN. TESTER closed on SB 209.

{Tape: 1, SB 209; Side: B; Approx. Time Counter: 0 - 1.5}

HEARING ON SB 287

Sponsor: SEN. MIKE SPRAGUE, SD 6, Billings

Opening Statement by Sponsor:

SEN. SPRAGUE said that this bill had its start last session as a Committee bill, but due to a funding shortfall and time restraints, it didn't pass. SB 287 provides funding for managing water-based recreation areas. It will require nonmotorized boats, as well as motorized boats to be licensed. He distributed the amendment that he requested.

EXHIBIT(fis26a02)

{Tape: 1, SB 287; Side: A; Approx. Time Counter: 0 - 8.6}

Proponents' Testimony:

Doug Monger, Administrator, Parks Division, Montana FWP, read his written testimony.

EXHIBIT(fis26a03)

{Tape: 1, SB 287; Side: A; Approx. Time Counter: 8.6 - 16}

Kelly Leo, Weed Coordinator, Madison County Weed Board, read her written testimony and distributed various letters in support of SB 287 and greater funding for weed management in boating areas.

EXHIBIT(fis26a04)

EXHIBIT(fis26a05)

EXHIBIT(fis26a06)

EXHIBIT(fis26a07)

{Tape: 1, SB 287; Side: A; Approx. Time Counter: 16 - 20}

Garth Haugland, Beaverhead County Commissioner, stated their support for SB 287.

Margaret Moddison, Great Falls resident, said that she believes in user fees to cover the costs of maintaining what a person uses.

Dean Culwell read his written testimony in support of SB 287.

EXHIBIT(fis26a08)

Kathy Frazier, Yacht Basin Marina, Canyon Ferry, read her written testimony in support of SB 287, urging greater enforcement for the laws already instated to ensure greater safety.

EXHIBIT(fis26a09)

{Tape: 1, SB 287; Side: A; Approx. Time Counter: 20 - 29}

Mike Penfold, Our Montana, Inc. had his written testimony added in the record in support of SB 287.

EXHIBIT(fis26a10)

Opponents' Testimony:

Robin Cunningham, Fishing Outfitters Association of Montana (FOAM), read his written testimony, explaining his opposition to the bill.

EXHIBIT(fis26a11)

Dave Dalthorp, Billings resident, explained that they are losing access to water in Billings and FWP is not helping. He said that this is another tax, and it is unfair for those who are not using access sites. He said that he has seven boats, and would have to buy an \$8.50 sticker for each of them. He also addressed the problem of stickers not staying on recreation boats.

Mike Donovan had his letter submitted, delineating his opposition and suggestions for SB 287.

EXHIBIT(fis26a12)

{Tape: 1, SB 287; Side: B; Approx. Time Counter: 0 - 10.2}

John Wilson, Trout Unlimited, stated that they are in opposition to the bill, but are not opponents to the bill. He distributed a pie chart of Montana's fishing access and boating facilities. He stated that one of their largest concerns is that it unnecessarily co-mingles the fishing access funds with state parks. He suggested that the bill be amended to better distribute the fee revenues from SB 287.

EXHIBIT(fis26a13)

{Tape: 1, SB 287; Side: B; Approx. Time Counter: 10.2 - 20}

Chris Gagnon, Billings resident, stated his opposition to targeted taxation. He wondered why the general fund can't be

used to pay for these things. He agreed that the State is in a fiscal crisis, but argued that the boaters didn't cause it.

Dave Gulbrandson read his written testimony.

EXHIBIT(fis26a14)

{Tape: 1, SB 287; Side: B; Approx. Time Counter: 20 - 25}

Larry Copenhaver, Montana Wildlife Federation, read his written testimony.

EXHIBIT(fis26a15)

{Tape: 2, SB 287; Side: A; Approx. Time Counter: 0 - 6.3}

John Gangemi, Conservation Director, American Whitewater, presented his written testimony.

EXHIBIT(fis26a16)

Jon Tanner, Billings resident, stated his opposition to SB 287.

Bob Gilbert, Walleyes Unlimited, Montana, stated their opposition to SB 287.

Informational Testimony:

Jean Johnson, Montana Outfitters and Guides Association, explained that commercial users will be affected by this bill as well. She explained the fees that commercial outfitters are already required to pay.

Amy Sullivan, Montana Tourism Coalition, stated that Montana needs a statewide recreation plan.

{Tape: 2, SB 287; Side: A; Approx. Time Counter: 6.3 - 10.2}

Questions from Committee Members and Responses:

SEN. SCHMIDT asked about the possibility of using a device instead of a decal. **Larry Copenhaver** said they would try to come up with something.

SEN. MAHLUM wondered about the number of boats that Doug Monger owns. **Mr. Monger** replied that he has 8 boats; he goes out boating about 50-80 times per year.

SEN. HANSEN inquired if a decal and a license are synonymous for this discussion. **Doug Monger** said that a motor boat has a decal, proving that the owner has a license and registration. With a non-motorized boat, the tag will be sold at FWP and is purely a decal.

SEN. BARKUS asked about a paddle boat that launches into public water. **Doug Monger** answered that they would have to get a decal for that as well.

Closing by Sponsor:

SEN. SPRAGUE closed on SB 287, stating that almost everyone supports the concept of this bill; the differences come in the fee details. He said that he doesn't want to see access go away, but it needs funding. This would instate a user fee, not a tax. He showed a video to the Committee.

{Tape: 2, SB 287; Side: A; Approx. Time Counter: 10.2 - 29}

ADJOURNMENT

Adjournment: 5:05 P.M.

SEN. MIKE SPRAGUE, Chairman

REBECCA SATTLER, Transcriptionist

MS/RS

EXHIBIT (fis26aad)